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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/715,836	11/19/2003	Neil T. Shinner	081557-0306904	3631

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EXAMINER

SANTOS, ROBERT G

ART UNIT PAPER NUMBER

3673

DATE MAILED: 06/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/715,836	<b>Applicant(s)</b> SHINNER, NEIL T.	
	<b>Examiner</b> Robert G. Santos	<b>Art Unit</b> 3673	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 19 November 2003 and on 18 June 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-33 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>06182004</u> . | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 15, 17, 19-24, 32 and 33 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by U.S. Pat. No. 6,393,637 to Hoffman (note especially Figures 1-6D; column 1, lines 9-15 & 52-55; column 3, lines 12-33; column 4, lines 11-31; and column 5, lines 17-43).

### *Claim Rejections - 35 USC § 103*

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 2-8 and 25-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hoffman '637 in view of U.S. Pat. No. 4,734,948 to Danova. Hoffman '637 does not specifically disclose a condition wherein the perimeter of the pocket (26) corresponds to various shapes. Danova '948 provides the basic teaching of a convertible blanket comprising a blanket (8) made of fabric material and a pocket (2) attached thereto for selectively storing the blanket, wherein the perimeter of the pocket may be chosen from a variety of shapes (as described in

column 4, lines 5-12). The skilled artisan would have found it obvious at the time the invention was made to provide the convertible blanket of Hoffman '637 with a pocket having a perimeter corresponding to various shapes in order to impart a decorative feature to the blanket as desired.

5. Claims 9-14 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hoffman '637. With regards to claims 9-14, Hoffman '637 discloses the claimed invention except for the exact dimensions of the pocket opening, width, and depth as recited in Applicant's claims. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the convertible blanket of Hoffman '637 with a pocket having the particular opening, width, and depth dimensions as claimed by Applicant, since it has been held that discovering an optimum value of a result effective variable involves only routine skill in the art. *In re Boesch*, 617 F.2d 272, 205 USPQ 215 (CCPA 1980).

As concerns claim 18, Hoffman '637 discloses the use of a single carrying strap (22) as opposed to a plurality of carrying straps as claimed. It would have been obvious at the time the invention was made to provide the convertible blanket of Hoffman '637 with a plurality of carrying straps, since it has been held that mere duplication of the essential working parts of a device involves only routine skill in the art. *St. Regis Paper Co. v Bemis Co.*, 193 USPQ 8.

6. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hoffman '637 in view of U.S. Pat. No. 5,920,931 to Zuehlke et al. Hoffman '637 lacks the use of printing disposed on the material of the pocket. Zuehlke et al. '931 provide the basic teaching of a convertible blanket (10) including a pocket member (14) having a decorative pattern (30)

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disposed thereon. The skilled artisan would have found it obvious at the time the invention was made to provide the convertible blanket of Zuehlke et al. '931 with printing disposed on the material of the pocket in order "to enhance the appearance of the pocket" as desired (see Zuehlke et al. '931, column 3, lines 66-67 and column 4, line 1).

### *Conclusion*

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Shinner '998, Ong '570, Ong '248 and Bloom '139.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert G. Santos whose telephone number is (571) 272-7048. The examiner can normally be reached on Tues-Fr and first Mondays, 10:30 a.m. to 8:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather C. Shackelford can be reached on (571) 272-7049. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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A handwritten signature in cursive script, reading "Robert G. Santos".

Robert G. Santos

Primary Examiner

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R.S.

June 13, 2005